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FIRST AMERICAN TRUSTEE SERVICING
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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 * * *

14 JIMIJACK IRREVOCABLE TRUST, by his
trustees, Joel and Sandra Stokes,

15 Plaintiff,

16 vs.
17

FEDERAL NATIONAL MORTGAGE
18 ASOCIATION, form and type of entity
unknown; FIRST AMERICAN TRUSTEE
19 SERVICING SOLUTIONS, LLC, a Texas
limited liability company registered with the
20 Nevada Secretary of State; DOES I through X
and ROE BUSINESS ENTITIES I through X,
21 inclusive,

22 Defendants.
23

CASE NO. 2:18-cv-01560-JAD-VCF

**MOTION TO BE REMOVED FROM
CM/ECF ELECTRONIC FILING**

24 The undersigned hereby request to be removed from the filing and service list through the
25 Court's CM/ECF filing program on behalf of First American Trustee Servicing Solutions, LLC
26 ("FATSS") pursuant to NRS 107.029(5).

27 On August 23, 2018, FATSS filed a Declaration of Nonmonetary Status of First
28 American Trustee Servicing Solutions, LLC pursuant to NRS 107.029.

1 NRS 107.029 provides:

2 NRS 107.029 Trustees: Declaration of nonmonetary status;
3 objection to declaration.

4 1. If the trustee under a deed of trust is named in an action in
5 which the deed of trust is the subject and the trustee has a
6 reasonable belief that he or she has been named in the action solely
7 in his or her capacity as trustee and not as a result of any wrongful
8 act or omission made in the performance of his or her duties as
9 trustee, the trustee may, at any time, file a declaration of
10 nonmonetary status. The declaration must be served on the parties
11 in the manner prescribed by Rule 5 of the Nevada Rules of Civil
12 Procedure and must include:

13 (a) The status of the trustee as trustee under the deed of trust;
14 and

15 (b) The basis for the trustee's reasonable belief that he or she
16 has been named as a defendant in the action solely in his or her
17 capacity as trustee and not as a result of any wrongful act or
18 omission made in the performance of his or her duties as trustee.

19 2. Upon the filing of a declaration of nonmonetary status
20 pursuant to subsection 1, the time in which the trustee is required
21 to file an answer or any other responsive pleading is tolled until
22 notice is given of an order granting an objection to the declaration
23 of nonmonetary status, from which date the trustee has 30 days to
24 file an answer or any other responsive pleading to the complaint.

25 3. Any party that has appeared in an action described in
26 subsection 1 has 15 days after the date of service of the declaration
27 of nonmonetary status to file an objection. Any objection filed
28 pursuant to this subsection must set forth the factual basis on
which the objection is based and must be served on the trustee.

4. If a timely objection is made pursuant to subsection 3, the
court shall promptly examine the declaration of nonmonetary
status and the objection and shall issue an order as to the validity
of the objection. If the court determines the objection is valid, the
trustee is required to participate in the action.

5. **If no objection is raised within the 15-day period
pursuant to subsection 3 or if the court determines the
objection is invalid, the trustee is not required to participate
any further in the action and is not subject to any money
damages or attorney's fees or costs, except that the trustee is
required to respond to any discovery request as a nonparty
participant and is bound by any court order relating to the
deed of trust.**

6. If, at any time during the proceedings under this section,
the parties to the action acquire newly discovered evidence
indicating the trustee should be made a participant in the action as
a result of the trustee's performance of his or her duties as trustee,

the parties may file a motion to amend the pleadings pursuant to Rule 15 of the Nevada Rules of Civil Procedure.

7. For the purposes of this section, "trustee" includes any agent or employee of the trustee who performs some or all the duties of a trustee under this chapter and includes substitute trustees and agents of the beneficiary or trustee.

NRS 107.029 (emphasis added).

No party has filed an objection to FATSS' Declaration as permitted by NRS 107.029(3). Accordingly, pursuant to NRS 107.029(5), as a matter of Nevada law, FATSS was no longer required to participate any further in the action as of September 7, 2018, the date on which the 15-period prescribed by NRS 107.029(3) expired.

As such, counsel for FATSS request this Court to remove the names of FATSS' counsel from the CM/ECF service list. FATSS requests that documents no longer to be served by electronic means to the following persons at the following e-mail addresses:

1. Aaron R. Maurice: sowens@klnevada.com, usdistrict@klnevada.com, bwood@klnevada.com, amaurice@klnevada.com
2. Brittany Wood: usdistrict@klnevada.com, sowens@klnevada.com, bwood@klnevada.com

DATED this 12th day of September, 2018.

KOLESAR & LEATHAM

By /s/ Brittany Wood

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Attorneys for Defendant,
FIRST AMERICAN TRUSTEE SERVICING
SOLUTIONS, LLC

IT IS SO ORDERED



UNITED STATES MAGISTRATE JUDGE

DATED: 9-13-2018

CERTIFICATE OF SERVICE

Pursuant to FRCP 5, LR IC4-1, and LR 5-1, I hereby certify that I am an employee of Kolesar & Leatham, and that on the 12th day of September, 2018, I caused to be served a true and correct copy of the foregoing **MOTION TO BE REMOVED FROM CM/ECF ELECTRONIC FILING** in the following manner:

The Court's Electronic Filing System to all parties on the current service list:

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/s/ Susan A. Owens
An Employee of KOLESAR & LEATHAM